

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING**

DATE..... July 24, 2003
 TIME..... 7:00 P.M.
 PLACE..... County Office Building
 20 N. 3RD Street
 Lafayette, IN 47901

MEMBERS PRESENT

Jack Rhoda
 John Knochel
 Jan Mills
 Kathy Vernon
 Gary Schroeder
 Steve Schreckengast
 David Williams
 Ashley Stevenson
 Karl Rutherford

MEMBERS ABSENT

Laura Peterson
 Mark Hermodson
 KD Benson
 James Miller
 Jeff Kessler
 Stuart Boehning

STAFF PRESENT

Sallie Fahey
 Margy Deverall
 John Burns
 Michelle D'Andrea
 Jay Seeger, Atty

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 24th day of July 2003, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jack Rhoda called the meeting to order.

I. BRIEFING SESSION

Sallie Fahey stated that all cases were ready to be heard except for S-3364. She explained that some paperwork was missing but might be turned in before the end of the meeting. She informed the Commission that the order of the presentation would be changed and slides will be shown before the staff report is read.

II. PUBLIC HEARING

Karl Rutherford moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. David Williams seconded and the motion carried by voice vote.

Jack Rhoda read the meeting procedures.

A. ORDINANCE AMENDMENTS

1. **ORDINANCE AMENDMENT #39:** Changes to Section 3-2 of the Unified Zoning Ordinance regarding laboratory animal farms and Section 6-3-1(d) regarding penalties based on violations of the ordinance. CONTINUED FROM THE JULY 16TH MEETING.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded the motion.

Margy Deverall read the staff report with recommendation of approval.

The Commission voted by ballot 9 yes – 0 no to recommend approval of **ORDINANCE AMENDMENT #39.**

B. REZONING ACTIVITIES

1. **Z-2134--WILLIAM M. FLEISCHHAUER (STATE STREET TOWERS PLANNED DEVELOPMENT) (PDNR TO PDMX):** Petitioner is requesting the rezoning of

1.201 acres for a mixed-use development being a 4-story building with first floor commercial and 3 floors of apartments including a 2-level parking garage. The site is located on the southwest corner of State Street (SR 26) and South River Road (US 231), in West Lafayette, Wabash 19 (SE) 23-4. CONTINUED FROM THE JULY 16TH MEETING.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial and site plan.

Margy Deverall read the staff report with recommendation of conditional approval contingent on the following:

Meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. all sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. a final plat per UZO Appendix B-3-2 as applicable;
3. a final landscape plan and plant schedule approved by the West Lafayette Greenspace Administrator and INDOT; and
4. a detail showing the layout of bicycle parking for retail customer use along South River Road.

Paul Coutts, C&S Engineering, 1719 Monon Avenue, Lafayette, IN, presented display boards of the floor plan and landscaping plan. He informed the Commission that there has been a lot of work and involvement from the staff, the City of West Lafayette, the West Lafayette Traffic Commission and the Greater Lafayette Technical Highway Committee. He stated that this is a new building with an old look. He asked for approval.

Jan Mills stated that she was in favor of this petition. She said that the City of West Lafayette has worked hard to provide infill projects in this area. She mentioned that the old downtown design would fit in this area well.

The Commission voted by ballot 9 yes – 0 no to recommend approval of **Z-2134--WILLIAM M. FLEISCHHAUER (STATE STREET TOWERS PLANNED DEVELOPMENT) (PDNR TO PDMX)** to the West Lafayette City Council.

2. **Z-2137--JAMES FARMER (I3 TO GB):** Petitioner is requesting the rezoning of 0.994 acres located on the north side of Burroughs Street, between Canal Road and N. 9th Street, in Lafayette, Fairfield 16 (W½) 23-4. CONTINUED FROM THE JULY 16TH MEETING.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and site plan.

Margy Deverall read the staff report with recommendation of approval.

Tom O'Brien, PO Box 5, Lafayette, IN, representing the petitioner, informed the Commission that the petitioner wanted to put a used car lot in this area. He explained that this business was originally on Canal Road and was dislocated during the widening of the road. He stated that this is not a large business. He asked for approval.

Steve Schreckengast stated that since this area is a gateway in to the city, it is better served as a GB zone than an industrial zone.

Jack Rhoda asked if there were any GB uses that were not permitted in the Wellhead Protection Area.

Margy Deverall informed the Commission that there is a committee being formed to study the uses that would be prohibited. She stated that the only uses that would be prohibited would be ones involving

gasoline or chemical storage. She said that according to Opal Kuhl, a used car lot is not any different than a parking lot and therefore would be allowed.

Jack Rhoda asked if the Wellhead Protection policy would override the zoning issue. He pointed out that a gas station is allowed in a GB zone, but not allowed in the Wellhead Area.

Margy Deverall stated that the Lafayette Redevelopment Office was going to revisit the North 9th Street Road corridor study. She said that at this time there is no Lafayette Ordinance stating or recommending prohibited uses.

Jack Rhoda asked for confirmation that the Wellhead Protection regulation was a Federal directive.

Margy Deverall stated that it could be Federal, but something would still have to be adopted locally.

Sallie Fahey pointed out that the Wellhead Protection Area staff and the APC staffs have not yet met to work out the details. She mentioned that one solution might be that the Wellhead Protection Areas be an overlay zone of the Zoning Ordinance.

Jack Rhoda asked if this rezone was premature.

Sallie Fahey stated that at this time there is not any regulation that would prohibit any use in the GB zone. She pointed out that City officials have determined that this proposal is acceptable. She said that future uses of the property might subsequently be limited by the merging of the Federal regulations and the UZO.

Steve Schreckengast asked who would be determining the overlay policy.

Sallie Fahey stated that it would have to be a joint effort between the City Engineer's office, the Development Department and the APC staff.

The Commission voted by ballot 9 yes – 0 no to recommend approval of **Z-2137--JAMES FARMER (I3 TO GB)** to the Lafayette City Council.

C. SUBDIVISIONS

1. **S-3353--BILYEU MINOR SUBDIVISION (MINOR-SKETCH PLAN):** Petitioner is seeking primary approval for a one lot subdivision on 2.61 acres, located northwest of the Burton Road and Coolidge Road intersection, in Wayne 3 (Burnetts Reserve) 22-6. CONTINUED FROM THE JULY 16TH MEETING.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded the motion.

Sallie Fahey presented slides of the zoning map and aerial photo.

Margy Deverall recapped the staff's recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted.
3. The street addresses and County Auditor's Key Number shall be shown.

Arthur Bilyeu, 3510 Burton Road, West Point, IN, informed the Commission that the reason for this subdivision was to give land to his son. He explained that the whole family lives on different sections of this property. He asked for approval.

The Commission voted by ballot 9 yes – 0 no for conditional primary approval of **S-3353--BILYEU MINOR SUBDIVISION (MINOR-SKETCH PLAN).**

2. **S-3355—DAUGHERTY SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval for a 1-lot subdivision on 6.158 acres, located on the south side of North County Line Road approximately 1 mile west of Tyler Road, in Tippecanoe 06 (NW) 24-6 CONTINUED FROM THE JULY 16TH MEETING.

Karl Rutherford moved to hear and vote on the above-described request. David Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and sketch plan.

Margy Deverall recapped the staff's recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Either a mortgage release or mortgage affidavit is required in order to dedicate the necessary right-of-way.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.
5. Correct the misspelling of the word, "township" on the final plat.

Bob Gross, 420 Columbia Street, Ste 100, Lafayette, IN, stated that this property was part of a family trust. He said that this is a division on the family farm so that one member of the family can purchase the land.

The Commission voted by ballot 9 yes – 0 no for conditional primary approval of **S-3355—DAUGHERTY SUBDIVISION (MINOR-SKETCH).**

3. **S-3356—SCHMIDT HAUS SUBDIVISION (MINOR-SKETCH PLAN):** Petitioner is seeking primary approval for a 2- lot subdivision on 4.32 acres, located at the southwest corner of CR 100 N and East County Line Road, in Perry 24 (NE) 23-3. CONTINUED FROM THE JULY 16TH MEETING.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and sketch plan.

Margy Deverall recapped the staff's recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted.
3. The street addresses and County Auditor's Key Number shall be shown.
4. A copy of the perimeter drain permit issued by County Highway allowing discharge into the county road ditch.

William Burns, 73 Lafayette Bank and Trust Building, 133 North 4th Street, Lafayette, IN, representing the petitioner, stated that the petitioners own 20 acres and would like to build a new house. He said that they reserved 2-lots to build their house and would like to be able to sell their old house.

The Commission voted by ballot 9 yes – 0 no for conditional primary approval of **S-3356—SCHMIDT HAUS SUBDIVISION (MINOR-SKETCH PLAN).**

4. **S-3357--STONES CROSSING SUBDIVISION, SECTION 3 (MAJOR-PRELIMINARY PLAT):** Petitioner is seeking primary approval for a 55-lot single-family subdivision on 21.83 acres, located on the west side of Concord Road, south of CR 350 S, in Wea 10 (SW) 22-4. CONTINUED FROM THE JULY 16TH MEETING.

Karl Rutherford moved to hear and vote on the above-described request. David Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and plat.

Margy Deverall stated that the petitioner has requested permission to bond. She recapped the staff's recommendation of conditional primary approval contingent on the following conditions:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. The Lafayette City Engineer shall approve the sanitary sewer and water plans.
2. The fire hydrants shall be approved by the Wea Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the City in cooperation with the Fire Department.
3. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
4. The County Drainage Board shall approve the drainage plans.
5. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
6. The required bufferyard(s) shall be shown with the standard plant unit details. The bufferyard(s) shall be installed as part of required public improvements.
7. On the grading plan, the lowest floor elevation for any building pad within 100 ft. of the FP (Flood Plain) district shall meet the flood protection grade.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

8. "No Vehicular Access" statement shall be platted along the Concord Road right-of-way line.
9. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
10. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
11. All required building setbacks shall be platted.
12. When the final grading is complete, the Regulatory Flood Elevation and Boundary for the Kirkpatrick Ditch Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
13. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

14. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
15. All lots shall be restricted to single-family use with this covenant being enforceable by the Administrative Officer and irrevocable by the lot owners.

Marianne Owen, Stuart & Branigin, 300 Main Street, Suite 800, Lafayette, IN, she concurred with the staff report and stated that this is an extension of the existing development. She reiterated the request for bonding. She presented a display board of the development. She stated that this request is consistent with the uses in the area, there is sufficient infrastructure, it conforms with the UZO and USO and all the conditions are acceptable. She asked for approval and permission to bond.

The Commission voted by ballot 9 yes to 0 no to permit bonding.

The Commission voted by ballot 9 yes – 0 no for conditional primary approval of **S-3357--STONES CROSSING SUBDIVISION, SECTION 3 (MAJOR-PRELIMINARY PLAT).**

5. **S-3358--CRIBS R3 SUBDIVISION (MAJOR-PRELIMINARY PLAT):** Petitioner is seeking primary approval to replat the existing one lot and one outlot White Pines Apartment Subdivision, dividing each of the 45 two-family buildings onto a separate lot. The site is located just west of the southwest corner of Old US 231 and Beck Lane (west side of Lafayette Plaza South Subdivision), in the City of Lafayette, Wea 6 (NE) 22-4. CONTINUED FROM THE JULY 16TH MEETING.

Karl Rutherford moved to hear and vote on the above-described request. David Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and plat.

Margy Deverall stated that the petitioner has requested permission to bond. She recapped the staff's recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the Twyckenham Boulevard right-of-way line.
2. All existing easements (not vacated), covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. New easements shall be platted to adequately cover all existing utilities.
4. The building encroachment into the water main easement shall be rectified.
5. Front lot lines shall be designated.
6. All required building setbacks shall be platted.
7. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

8. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
9. The purpose, ownership and maintenance of Outlots A, B and C shall be specified.

Roger Fine, John Fisher & Associates, 625 south Earl Avenue, Lafayette, IN, concurred with staff report and agreed with the conditions. He asked for approval and permission to bond.

Jack Rhoda asked how condition number 4 was going to be corrected.

Roger Fine stated that upon approval by this Commission, a petition would be filed with the City of Lafayette to partially vacate the easement into which this building encroaches.

Judy Smallwood, 101 Plaza Lane, Lafayette, IN, stated that her business also uses the access road to this development. She pointed out that the road is not maintained and there is no salting or snow removal. She said that her concern is that if it goes to individual lots it will be even worse.

Jack Rhoda asked Roger Fine to address that issue and identify who the owner of the road is.

Roger Fine deferred to the petitioner.

John Dessauer, 12243 South Williams Court, Crown Point, IN, stated that the property was purchased in March and he had not owned it through a winter season as of yet. He said that the intention is to maintain both the access road and the development to the proper standards.

John Lehen, 438 West 400 South, Lafayette, IN, stated that he has reservations about the petitioner maintaining the road. He said that the road should be brought up to standards and accepted by the City of Lafayette. He asked who would maintain the road when the houses are sold. He mentioned that the streets inside the development were not approved by the City either and would not be properly maintained. He stressed that acceptance by the City of Lafayette should be a condition of this petition.

Jack Rhoda stated that that issue would have to be discussed with the City of Lafayette Engineer and that this Commission could not address it.

John Lehen stated that he has spoken to the City Engineer's office and they stated that the best thing that could happen would be for the petitioner to put in the curb and improve the access street. He said that there is an ingress/egress agreement that the realtor should have given the petitioner at the time of purchase.

Jack Rhoda explained that this Commission could only address issues pertaining to the USO.

John Lehn stated that regardless of the USO, there are going to be more problems with the road. He mentioned that he was not opposed to the selling of the lots. He reiterated that the streets in the development and the access street should be approved and accepted by the City of Lafayette. He pointed out that the development never should have been built without the City's acceptance of the streets.

Steve Schreckengast pointed out that this was a newly annexed area of the City of Lafayette. He explained that at the time the development was built it was not in the City limits.

John Lehn stated that this development was still in the County and would have gone through this Commission for approval.

Steve Schreckengast asked if there would be a homeowners association in this development.

John Dessauer replied affirmatively.

Steve Schreckengast asked if the staff could enforce the creation of a homeowners association.

John Lehn stated that homeowners associations never work out.

Steve Schreckengast asked John Lehn if this was the only access to his store.

John Lehn stated affirmatively.

Steve Schreckengast asked John Lehn if he would be in favor of assisting in the maintenance of the access road, since he benefited from it.

John Lehn stated that he does not own the street and has an ingress/egress agreement for use of that road.

Steve Schreckengast stated that it seemed reasonable that since John Lehn benefited from the access road, that he might be willing to help.

John Lehn stated that the entire shopping center used the access road.

Steve Schreckengast pointed out that the shopping center has other access roads that it can use. He asked if the homeowners association was protection for the maintenance.

Sallie Fahey stated that this road was a private drive and a part of the property belonging to the development. She said that they are perpetuating the easement that was granted to the adjacent property owners so that they can continue to use the road. She explained that as an outlot it would have to be deeded to someone or some entity. She pointed out that the last condition specified that the petitioner must disclose who the owner is and how it will be maintained.

Steve Schreckengast pointed out that the adjacent owners would be as protected in the future as they have in the past. He mentioned that the homeowners would not be able to access their homes if the road was not maintained. He reiterated that it seems reasonable that the adjacent property owners would be interested in participating since they benefit from that road. He mentioned that since the lots are simply going to individual lots, there would not be an increase in population.

Sallie Fahey stressed that this is an apartment complex that has the potential for multiple landlords.

John Dessauer reiterated that the property was purchased March 31, 2003. He mentioned that prior to that the property was not always maintained, but since then they have already made vast improvements to the property. He stated that they plan on running the development professionally and would be willing to cooperate with all the neighbors. He said that the ingress/egress agreements would all carry forward.

The Commission voted by ballot 9 yes to 0 no to permit bonding.

The Commission voted by ballot 9 yes – 0 no for conditional primary approval of **S-3358--CRIBS R3 SUBDIVISION (MAJOR-PRELIMINARY PLAT)**.

6. **S-3362--BIERY MINOR SUBDIVISION (MINOR-SKETCH PLAN):** Petitioner is seeking primary approval for a 1-lot subdivision on 6.68 acres, located on the northeast side of New Castle Road, at the CR 500 E intersection, in Sheffield 7 (NW) 22-3. CONTINUED FROM THE JULY 16TH MEETING.

Karl Rutherford moved to hear and vote on the above-described request. David Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and sketch plan.

Margy Deverall recapped the staff's recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrance, a "No Vehicular Access" statement shall be plated along the New Castle Road right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be plated.
5. The street address and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Paul Coutts concurred with the staff report and conditions. He asked for approval.

The Commission voted by ballot 9 yes – 0 no for conditional primary approval of **S-3362--BIERY MINOR SUBDIVISION (MINOR-SKETCH PLAN)**.

3. **S-3363--SHORTER COMMERCIAL SUBDIVISION, SECTION 3 (MAJOR-PRELIMINARY PLAT):** Petitioner is seeking primary approval for a one lot commercial subdivision on 1.004 acres, located on the north side of SR 38, just east of Yost Drive, in the Town of Dayton, Sheffield 5 (SE) 22-3. CONTINUED FROM THE JULY 16TH MEETING

Karl Rutherford moved to hear and vote on the above-described request. David Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and plat.

Margy Deverall stated that the petitioner has requested permission to bond. She recapped the staff's recommendation of conditional primary approval contingent on the following conditions:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. The Town of Dayton shall approve the sanitary sewer, water and drainage plans.
2. The Sheffield Township Fire Department shall approve the fire hydrants. The Town in cooperation with the Fire Department shall approve plans for the actual placement of the hydrants.
3. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

4. "No Vehicular Access" statement shall be plated along the SR 38 right-of-way line.
5. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
6. All existing easements, covenants or restrictions shall be shown and referenced with the

corresponding recording information (Document Number and date recorded).

7. All required building setbacks shall be platted.

8. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

9. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Paul Coutts concurred with the staff report and conditions. He asked for approval and permission to bond.

The Commission voted by ballot 9 yes to 0 no to permit bonding.

The Commission voted by ballot 9 yes – 0 no for conditional primary approval of **S-3363--SHORTER COMMERCIAL SUBDIVISION, SECTION 3 (MAJOR-PRELIMINARY PLAT).**

8. S-3364--BOSMA MINOR SUBDIVISION (MINOR-SKETCH PLAN):

Petitioners are seeking primary approval for a 1-lot subdivision on 2.247 acres, located along the north side of SR 25, north of the CR 800 N intersection, in Washington 10 (SE) 24-3. CONTINUED FROM THE JULY 16TH MEETING.

Karl Rutherford moved to hear and vote on the above-described request. David Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and sketch plan.

Margy Deverall recapped the staff's recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the SR 25 N right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. The two off-site easements shown on the sketch plan (ingress-egress to the east, subsurface drainage easement to the west) shall be recorded with or prior to the final plat, and referenced on the final plat.
5. All required building setbacks shall be platted.
6. The legal description of the subdivision boundary shown on the final plat must include the right-of-way in order to allow that area to be dedicated to the public.
7. The outline of the parcel to the east must either be removed from the final plat or labeled (P98-15, Document #9810536) so the limits of the subdivision are clear.
8. Street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

9. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Henry Bosma, 7814 State Road 25 North, Lafayette, IN, stated that he owned the property in conjunction with his wife, brother and sister-in-law. He said that the reason for this subdivision was to supplement their income due to poor agricultural returns.

Kay Miller, 8143 State Road 25 North, Lafayette, IN, asked if there were any restrictions or guidelines set up for this petition yet. She stated that her concern was that any house that is built on this site, meet or exceed the size of the adjacent homes. She mentioned that nearby subdivisions have house requirements of at least 1800 square feet. She asked if there was a timeline or deadline for construction of a home. She explained that they did not want a view of something unfinished for years at a time. She said that she was also concerned that the property be well maintained.

Jack Rhoda stated that this Commission could only address the issues pertaining to the USO.

Sallie Fahey stated that neither the USO or UZO dictate house sizes or maintenance issues, other than a minimum size. She mentioned that the Building Ordinance does address the timeline of the construction of a dwelling. She deferred to Al Levy to answer.

Al Levy stated that a building permit is valid for 2 years from date of issue, provided that construction begins within one year.

Henry Bosma stated that his son built a very nice home on this property. He informed the Commission that there is a 2 page covenant document attached to these lots which include the following restrictions: only one out building per lot, must be a stick built home, must be 1800 square feet and a deed restriction that the land can not be further subdivided. He mentioned that one of the potential buyers is planning to build a \$150,000 house.

Steve Schreckengast asked for clarification that the petitioner's son also lives on the property.

Henry Bosma replied affirmatively.

The Commission voted by ballot 9 yes – 0 no for conditional primary approval of **S-3364--BOSMA MINOR SUBDIVISION (MINOR-SKETCH PLAN)**.

III. ADMINISTRATIVE MATTERS

Jack Rhoda reminded the Commission of the following meetings: Executive Session, July 31, 2003, 6:30 pm and Budget and Personnel Committee, August 5, 4:30 pm.

Sallie Fahey informed the Commission that she had given a presentation to the Indiana Land Resources Council regarding the RE Ordinance and it was well received. She mentioned that one member of the Council commented that one of the reasons that the RE Ordinance works is because it includes rezoning. She stated that she received an e-mail from Jamie Palmer, President of the Indiana Planning Association and the Indiana Land Use Consortium. She said that the e-mail suggested that the Commission make a nomination for this ordinance to be one of those screened for an award from the Indiana Land Use Consortium. She mentioned that it was also suggested that it be nominated for an Indiana Planning Association Award, later this year. She asked the Commission if they would like that nomination made.

Karl Rutherford moved that that nomination be made. Jan Mills seconded and the motion carried by voice vote.

Jan Mills thanked Sallie Fahey for making the presentation.

IV. ADJOURNMENT

Karl Rutherford moved for adjournment. David Williams seconded and the motion carried by voice vote.

The meeting was adjourned at 8:25 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Assistant Director

